The Local Public Inspection File

Requirement to Maintain a Public Inspection File. Virtually all licensees and permittees of TV and radio stations and applicants for new broadcast stations are required to maintain records that must be made available for public inspection. For many stations, these records are maintained in a public insprction file that must contain documents relevant to the station's operation and dealings with the community and the FCC. LPTV and LPFM stations do not have a public inspection file but are required to maintain a political file.

In 2012, the FCC modernized its public inspection file requirements by mandating that full power and Class A TV stations make their public inspection files available through a Commission-hosted online public file, https://publicfiles.fcc.gov. In 2016, the Commission continued its modernization effort by requiring that broadcast radio licensees also post their public file documents to the FCC-hosted online public file. The Commission took a number of steps to minimize the burden of the online file on broadcast stations. Broadcasters are required to upload only those items required to be in the public file but not otherwise filed with the Commission or available in a Commission database. The Commission will upload to the online file itself any document required to be retained in the file that also must be filed electronically with the Commission.

Purpose of the File. Most broadcast stations have an obligation to provide news, public affairs, and other programming that addresses important issues facing its community. Stations must also comply with the Communications Act, the Commission's rules, and the terms of the station's license. We encourage a continuing dialogue between broadcasters and the public to ensure stations meet their obligations and remain responsive to the needs of the local community. Because you watch and listen to the stations that we license, you can be a valuable and effective advocate.

Viewing the Public Inspection File. The public can access a station's public inspection file at https://publicfiles.fcc.gov.

Contents of the File. The items required to be in a station's public file, the rule section requiring the filing, and the retention period for each item are listed below. Also included is a brief description of each item, but the description should not be relied upon in place of the underlying rules' description of that item.

- **FCC Authorizations** (73.3526(e)(1), 73.3527(e)(1)) (retain until replaced). These are the instruments issued by the Commission to individuals or companies that authorize broadcasting or other use of radio transmissions in connection with broadcasting and include licenses and permits to construct or modify broadcast facilities.

- **Applications and Related Materials** (73.3526(e)(2), 73.3527(e)(2)) (retain until final action taken on the application). These are applications and supporting documents or exhibits submitted to the Commission seeking such things as broadcast licenses, construction permits, special operating authority, or consent to the sale of an existing broadcast facility.

- **Contour Maps** (73.3526(e)(4), 73.3527(e)(3)) (retain as long as they reflect current, accurate information regarding the station). These are graphical representations or "maps" of the area in which a broadcast station provides a particular level of signal strength over-the-air. These maps can be a useful indication of where service might be expected to be received from the station. However, they do not account for the availability of a station's signal carried by cable or satellite service providers, nor do they suggest that every point inside the contour will receive over-the-air service.

- **Ownership Reports and Related Materials** (73.3526(e)(5), 73.3527(e)(4)) (retain until a new, complete ownership report is filed with the FCC). These reports are filed every other year, as well as in connection with the sale of a broadcast station. They reflect the entities and individuals that hold "attributable" interests in the broadcast station (that is, interests the Commission deems convey some influence over the station).

- **Equal Employment Opportunity File** (73.3526(e)(7), 73.3527(e)(6)) (retain until final action taken on the station's next license renewal application). The Commission requires stations employing five or more full-time employees to maintain in their public inspection file the following reports regarding their EEO activities: an EEO public file report that is prepared annually; FCC Form 396 – an EEO Program Report that is filed with the FCC as part of the station's license renewal application; and, for buyers of a station or new licensees, FCC Form 396-A – a Model EEO Program Report that is filed with the FCC. Licensees were formerly required to file an EEO mid-term report (FCC Form 397) at the mid-point of the license term, but that requirement was eliminated in 2019. Stations that filed Form 397 during their current license terms should keep the form in their public file until grant of their next license renewal application.

- **The Public and Broadcasting Manual** (73.3526(e)(8), 73.3527(e)(7)) (retain most recent version indefinitely). This pamphlet, written by the Commission, is intended to explain in understandable terms the various aspects and purposes of broadcast service, the Commission's regulation of it, broadcasters' obligations, and how the public can participate in the Commission's licensing and other administrative processes involving their local broadcast stations.

- **Children's Television Programming Reports** (FCC Form 2100-H) (73.3526(e)(11)(iii)) (retain until final action taken on the station's next license renewal application). Commercial television stations must prepare and place in their public inspection files annually a report (Form 2100-H) that identifies the educational and informational programming for children that they aired.

- **Citizen Agreements** (73.3526(e)(3)) (retain for term of agreement). These are agreements between citizens' groups and broadcast stations that are entered into primarily for noncommercial purposes and that deal directly or indirectly with the stations' broadcast service to their communities. While not all stations will have these agreements, if they do they must be in their public file.

- **Political File** (73.3526(e)(6), 73.3527(e)(5)) (retain for two years). This file must contain all requests for specific schedules of advertising time by candidates and certain issue advertisers, as well as the

final dispositions or "deals" agreed to by the broadcaster and the advertiser in response to any requests. It is not necessary to retain any of the materials relating to the negotiation between the parties to reach the disposition. The file must also include the reconciliation of the deal such as a description of when advertising actually aired, advertising preempted, and the timing of any make-goods of preempted time, as well as credits or rebates given to the advertiser. The request and disposition must be placed in the file as soon as possible, which the Commission has determined is immediately absent extraordinary circumstances. The reconciliation information need not be placed in the file, immediately, but the broadcaster must identify a person or persons at the station capable of informing an advertiser of the details of any reconciliation information.

- **Material Relating to FCC Investigations and Complaints** (73.3526(e)(10), 73.3527(e)(11)) (retain until notified in writing that the material may be discarded). This is material that has a substantial bearing on an FCC investigation or complaint to the FCC involving the station and of which the station is aware. Some or all of the material in this category may be excluded from the public file at the Commission's direction (for example, Letters of Inquiry from the Enforcement Bureau should be excluded in order to protect the investigation process).

- **Issues/Programs Lists** (73.3526(e)(11)(i), 73.3526(e)(12), 73.3527(e)(8)) (retain until final action taken on the station's next license renewal application). These are quarterly lists prepared by stations describing the programs they aired during the preceding quarter that provided the stations' most significant treatment of community issues.

- **Donor Lists for Non-Commercial Educational Channels ("NCEs")** (as required by 73.3527(e)(9)) (retain for two years from the date of the broadcast of the specific program reported). These are lists of donors that have supported specific programs aired by the stations.

- **Records Concerning Children's Programming Commercial Limits** (73.3526(e)(11)(ii)) (retain until final action taken on the station's next license renewal application). These are records that substantiate commercial television stations' compliance with the Children's Television Act of 1990 and the FCC's rules that limit the type and amount of advertising during TV programming that is directed to children 12 and under.
- **Local Public Notice Announcements** (as required by 73.3526(e)(13), 73.3527(e)(10)) (retain for as long as the application to which it refers). These are certifications that the broadcast station has made the necessary public on-air announcements when it files an application with the FCC for renewal of its broadcast license.

- **Time Brokerage Agreements** (73.3526(e)(14)) (retain for as long as contract or agreement is in force). These are contracts or agreements that allow one or more parties other than the station's owner to provide programming, sell advertising time in the brokered programming and, in some cases, operate the station on a day-to-day basis. These agreements are sometimes referred to as Local Marketing Agreements or LMAs. Confidential or proprietary information may be redacted from these documents.

- **Must-Carry or Retransmission Consent Election Elections** (for commercial television stations) or must-carry requests (noncommercial television stations) 73.3526(e)(15), 73.3527(e)(12)) (retain for duration of election or request period). These are statements of a station's election to be carried on

multichannel video program distributor (MVPD) systems, such as cable systems or direct broadcast satellite services, either by negotiated retransmission consent agreements or by mandatory carriage under the Commission's rules. Stations must also provide an up-to-date e-mail address and phone number for carriage-related questions in the online file and respond as soon as is reasonably possible to messages or calls from MVPDs.

There are two ways that a broadcast TV station can choose to be carried over a cable or satellite system: "must-carry" or "retransmission consent." Each is discussed below.

- **Must carry.** TV stations are generally entitled to be carried on cable television systems in their local markets. A station that chooses to exercise this right receives no compensation from the cable system. Satellite carriers may decide to offer local stations in a designated market area. If they choose to offer one station, then they must carry all the stations in that market that request carriage.
- **Retransmission Consent.** Instead of exercising their "must-carry" rights, commercial TV stations may choose to receive compensation from a cable system or satellite carrier in return for granting permission to the cable system or satellite carrier to carry the station. This option is available only to commercial TV stations. Because it is possible a station that elects this option may not reach an agreement with the cable system, it may ultimately not be carried by the system.

Every three years, commercial TV stations must decide whether their relationship with each local cable system and satellite carrier that offers local service will be governed by must-carry or by retransmission consent agreements. Each commercial full power and Class A station must keep a copy of its decision in the public file for the three-year period to which it pertains.

Noncommercial stations are not entitled to compensation in return for carriage on a cable or satellite system, but they may request mandatory carriage on the system. If an NCE asks for carriage, then a copy of the request must be kept in the public file for the duration of time the request covers.

- **Joint Sales Agreements** (73.3526(e)(16)) (retain for as long as contract or agreement is in force). These are contracts or agreements that allow one or more parties other than the station's owner to sell advertising time on the station. Confidential or proprietary information may be redacted from these documents.

- **Class A TV Continuing Eligibility Documentation** (73.3526(e)(17)) (retain indefinitely). These are documents that substantiate the continuing eligibility of a low-power television station for Class A status, which affords the station the same interference protection as a full power television station. To retain Class A status, the station must broadcast at least 18 hours per day and air at least three hours per week of locally produced programming.

- **Sponsorship Identification - Political Matter and Controversial Issues of Public Importance** (73.1212(e)) (retain for two years). This file contains a list of the chief executive officers or members of the executive committee or board of directors, as applicable, of any entity that has paid for or furnished broadcast programming that is "political matter or matter involving the discussion of a controversial issue of public importance." This additional sponsorship identification information must be kept by all broadcast stations in their public inspection file pursuant to Section 73.1212(e) of the FCC's rules. To the extent stations place this material in their political file, which is common industry practice and satisfies the rule's disclosure requirement, they are required to upload these files on the same schedule as their political files.

- **Shared Services Agreements** (73.3526(e)(18)) (retain as long as contract or agreement is in force). These are contracts or agreements that allow one station to provide station-related services to another station or for multiple stations to collaborate to provide such services. Station-related services include, but are not limited to, administrative, technical, sales, and/or programming support. Confidential or proprietary information may be redacted from these documents.

Information on Third-Party Fundraising by NCE stations (73.3527(e)(14)) (retain for two years). NCE stations that interrupt regular programming to conduct fundraising on behalf of a third-party non-profit organization pursuant to 73.503(e) (FM stations) or 73.621(f) (TV stations) must place in the public inspection file information regarding the fundraiser, including the date, time and duration of the fundraiser and name of the non-profit organization that benefitted.

Complaints or Comments About a Station

Comments to Stations and Networks. If you feel the need to do so, we encourage you to write directly to station management or to network officials to comment on their broadcast service. These are the people responsible for creating and selecting the station's programs and announcements and determining station operation. Letters to station and network officials keep them informed about audience needs and interests, as well as on public opinion on specific material and practices. Individuals and groups can often resolve problems with stations at the local level

Comments/Complaints to the FCC. We give full consideration to the broadcast complaints, comments, and other inquiries that the Commission receives. As stated above, we encourage you to first contact the station or network directly about programming and operating issues. If your concerns are not resolved, with the exception of complaints about obscene, indecent, or profane programming, which should be submitted in the manner described previously -- and complaints about blanketing interference discussed earlier -- the best way to provide all the information the FCC needs to process your complaint about other broadcast matters is to